



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 16 2004

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. David Valenstein
Office of Railroad Development, Mail Stop 20
Federal Railroad Administration
1120 Vermont Avenue
Washington, DC 20590

Dear Mr. Valenstein:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act, the Environmental Protection Agency (EPA) has reviewed the Federal Railroad Administration's (FRA) final Environmental Impact Statement (EIS) for the Interim Final Rule for the Use of Locomotive Horns at Highway-Rail Grade Crossings. (EIS No. 030577).

This EIS supports an interim final rule that will implement a statutory requirement that locomotive horns be sounded at each highway-rail grade crossing unless certain exceptions are met. The interim final rule describes supplementary safety measures that a state or local jurisdiction may use to establish a quiet zone within which locomotive horns will not be sounded. The rule would also establish an upper limit for the loudness of train horns.

EPA's previous concerns regarding funding of supplementary/alternative safety measures and providing expanded flexibility in establishing quiet zones have been resolved in this final document. Therefore, EPA has no objections to the action as proposed in the final EIS.

We appreciate the opportunity to review this final EIS. If you need assistance, the staff contact is Ken Mittelholtz, 202-564-7156.

Sincerely,

A handwritten signature in cursive script, reading "Anne N. Miller", is written over a horizontal line.

Anne Norton Miller
Director
Office of Federal Activities